

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

| | | |
|---|---|----------------------------------|
| STATE OF TEXAS, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | Case Number: 1:14-cv-00254 (ASH) |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN OPPOSITION TO DEFENDANTS' EMERGENCY EXPEDITED MOTION**

Judicial Watch, Inc. (“Judicial Watch”), by counsel, respectfully moves for leave to file an *amicus curiae* brief in opposition to Defendants’ Emergency Expedited Motion. Judicial Watch states as follows:

MEMORANDUM OF LAW

1. Judicial Watch is a not-for-profit, educational organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. Judicial Watch regularly monitors significant developments in the court systems and the law, pursues public interest litigation, and files *amicus curiae* briefs on issues of public concern. Judicial Watch regularly files *amicus curiae* briefs as a means to advance its public interest mission.
2. The Court has inherent authority to permit the filing of *amicus* briefs. *See Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007) (“The extent to which the court permits or denies *amicus* briefing lies solely within the court’s discretion.”).

3. Defendant's request would destroy the status quo and, in doing so, would undermine the rule of law. The Court has already ruled that preserving the status quo is important. It should not waiver from that ruling.

4. U.S. Supreme Court Justices Thomas and Scalia recently admonished their colleagues after the Court denied a stay and failed to preserve the status quo in a same sex marriage case.

5. Judicial Watch's proposed amicus curiae brief is attached as Exhibit A to this motion. It highlights the admonishment of Justices Thomas and Scalia and demonstrates how it is applicable here. Judicial Watch is filing this motion within the time period permitted by the Court for Plaintiffs to file their opposition. Judicial Watch sought consent from the parties. Defendants' counsel informed Judicial Watch that Defendants take no position. Judicial Watch has not yet received a response from Plaintiffs' counsel.

WHEREFORE, Judicial Watch respectfully requests that the Court grant its motion for leave to file an amicus curiae brief and accept for filing the amicus curiae brief attached as Exhibit A.

Dated: February 25, 2015

Respectfully submitted,

By: /s/ Mitchell L. Herren
Mitchell L. Herren, TX Bar # 24052765
HINKLE LAW FIRM LLC
8621 East 21st Street North, Suite 200
Wichita, KS 67206-2991
Telephone: (316) 267-2000
Facsimile: (316) 630-8375
E-mail: mherren@hinklawn.com

Attorney for Judicial Watch, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel for Plaintiffs and Defendants through the Electronic Case Filing System.

/s/ Mitchell L. Herren